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EXAMINER

DINH, KHANH Q

| ART UNIT | PAPER NUMBER |
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2151

16

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/452,285

Applicant(s)

BUE ET AL.

Examiner

Khanh Dinh

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-4,9-24,26,30-32,52 and 63-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,9-24,26,30-32,52 and 63-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the Amendment and Request for Reconsideration filed on 1/9/2004 (paper # 15). Claims 1-4, 9-24, 26, 30-32, 52, 63-84 and new claims 85-91 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 9-23, 26, 30-31, 52 and 63-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abramson et al., US pat. No.6,539,494 in view of

As to claim 1, Abramson discloses a backup server (26a fig.1) for enabling a data communications network to recover from a failure of said local server (24a fig.1), the data communications network including a backup server and a network access server (NAS) (22a fig.1) coupling a request placed from a user to the data communication network, the NAS including a memory, said local server comprising:

An information packet receiver responsive to the local server failure, the information packet receiver (a request from a user associated with a session ID) receiving from the memory associated with the NAS an information packet associated with a user request placed by the user via the NAS, wherein the information packet containing call information for maintaining connection of the ongoing call if the local server (24a fig.1) fails (i.e., the communication with the application server fails, then connecting to the backup server, see abstract, figs.1, 4, col.3 line 3 to col.4 line 61).

a parser for reconstructing the call information data from said information data from the information data packet, whereby the server maintains the user request to the communications network (see col.5 lines 1-62).

Abramson does not specifically disclose that user placing a request by calling in.

However, Lamarque discloses a user placing a request by calling in (using a user (122 fig.1) to initiate a call at a terminal to communicate with the servers and networks, see fig.1, col.3 line 22 to col.4 line 24). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to utilize Lamarque's teachings into the computer system of Abramson to request data information through a network because it would have enabled user to bypass long distance carriers and their permanent usage rates and to run voice traffic over the Internet.

As to claims 2 and 3, Abramson discloses the call information including server attribute having an attribute/value pair (session ID) that can be parsed into a plurality of separate data entries (fig.3) and a plurality of aggregated data elements from a call attribute table (see figs.2, 3, col.3 line 3 to col.4 line 39 and col.6 lines 7-43).

As to claim 4, Abramson discloses plurality of aggregated data elements of said information packet are separated by said parser for reconstructing said plurality of SSA information data from said information packet table (see figs.2, 3, col.3 line 3 to col.4 line 39 and col.6 lines 7-43).

As to claims 9, Abramson discloses a local server (24a fig.1) for enabling a data communications network, the data communications network including a backup server (26a fig.1) and a network access server (NAS) (server 22a fig.1) coupling a request placed from a user to the data communication network, the NAS having a memory, said local server comprising:

an encoder (22a fig.1) for generating an information packet associated with the request (a request from a user associated with a session ID), information packet

containing request information for maintaining connection of the request fails (i.e., the communication with the application server fails, then connecting to the backup server, see abstract, figs.1, 4, col.3 line 3 to col.4 line 61).

a sender (28 fig.1) for transmitting the information packet from the encoder to the memory, the information packet being stored in the memory to be available to the backup server if the local server fails (see col.4 line 40 to col.5 line 63).

Abramson does not specifically disclose that user placing a request by calling in.

However, Lamarque discloses a user placing a request by calling in (using a user (122 fig.1) to initiate a call at a terminal to communicate with the servers and networks, see fig.1, col.3 line 22 to col.4 line 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Lamarque's teachings into the computer system of Abramson to request data information through a network because it would have enabled user to bypass long distance carriers and their permanent usage rates and to run voice traffic over the Internet.

Claims 10-12 are rejected for the same reasons set forth in claims 2-4 respectively.

As to claims 13 and 17, Abramson discloses a local server (24a fig.1) for maintaining a request to a data communications network, the network including a backup server (26a fig.1) and a network access server (NAS) (22a fig.1) coupling the request to the network, the NAS having a memory associated with the NAS, said local server comprising:

a memory (inherent of a server) associated with the NAS.

an encoder for generating an information packet associated with the request, information packet containing request information for maintaining connection of the request and a sender (28 fig.1) for transmitting the information packet from the encoder to the memory, the information packet being stored in the memory to be available to the backup server (26a fig.1) if the local server fails (i.e., the communication with the application server fails, then connecting to the backup server, see abstract, figs.1, 4, col.3 line 3 to col.4 line 61).

a request coupler associated with the NAS for coupling the call to the local server if the local server does not fail, and for coupling to the backup server if the local server fails (see col.5 lines 1-63).

A failure detector for determining if a failure of the local server has occurred (see col.4 lines 17-52).

an information packet requester (client's requests) for requesting the information packet from the memory to the backup server if the local server fails and a parser for reconstructing the information packet (creating a new session ID) and serve the request without disconnecting the user from the network (see col.6 lines 6-67).

Abramson does not specifically disclose that user placing a request by calling in. However, Lamarque discloses a user placing a request by calling in (using a user (122 fig.1) to initiate a call at a terminal to communicate with the servers and networks, see fig.1, col.3 line 22 to col.4 line 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Lamarque's teachings into the

computer system of Abramson to request data information through a network because it would have enabled user to bypass long distance carriers and their permanent usage rates and to run voice traffic over the Internet.

Claims 14-16 are rejected for the same reasons set forth in claims 2-4 respectively.

Claims 18 and 19 are rejected for the same reasons set forth in claims 2 and 3 respectively.

Claim 20 is rejected for the same reasons set forth in claim 13. As to the added limitations, Abramson discloses a backup server (26a fig.1) connected to the network to service the call (see 3 lines 41-65).

Claims 21-23 are rejected for the same reasons set forth in claims 2-4 respectively.

Claim 26 is rejected for the same reasons set forth in claim 2.

As to claim 30, Abramson discloses a server backup system for maintaining a request placed by a user to a network, the network and a failure detector connected to the network for determining whether said server access failure has occurred, said memory and said failure detector both associated with a network access server (NAS) that is connected to said network, said system comprising:

an encoder (22a fig.1) for generating an information packet associated with the request placed by a user via the NAS (22a fig.1), information packet containing request

information for maintaining connection of the request if the local server fails (i.e., the communication with the application server fails, then connecting to the backup server, see abstract, figs.1, 4, col.3 line 3 to col.4 line 61).

a sender (28 fig.1) for transmitting the information packet from said encoder to the memory associated with the NAS, the memory storing the information packet (see col.3 lines 3-65 and col.5 lines 1-63).

an information packet requester (client's requests) for requesting the information packet from the memory to the backup server if the local server fails and a parser for reconstructing the information packet (creating a new session ID) (see col.6 lines 6-67).

Abramson does not specifically disclose that user placing a request by calling in. However, Lamarque discloses a user placing a request by calling in (using a user (122 fig.1) to initiate a call at a terminal to communicate with the servers and networks, see fig.1, col.3 line 22 to col.4 line 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Lamarque's teachings into the computer system of Abramson to request data information through a network because it would have enabled user to bypass long distance carriers and their permanent usage rates and to run voice traffic over the Internet.

As to claim 31, Abramson discloses a data caller responsive to the failure detector for detecting the failure of the second server (see col.3 line 3 to col.4 line 52).

As to claim 52, Abramson further discloses said sender transmits the information packet in response to a request from the backup server (see col.5 line 27 to col.6 line 43).

Claims 63 and 64 are rejected for the same reasons set forth in claims 13 and 2 respectively.

As to claims 65, Abramson further discloses petitioning to the NAS for the information packet after the NAS requests the request information and sending the request information to the NAS after completing reconstructing (see col.5 line 32 to col.6 line 49).

Claim 66 is rejected for the same reasons set forth in claim 9.

As to claims 67 and 75, Abramson further discloses encoding a plurality of aggregated data elements from a call attribute table (figs.2, 3) representing the SSA data and delimiting information packet into an attribute data string and a value data string (see col.3 line 3 to col.4 line 53).

Claims 68-74 are rejected for the same reasons set forth in claims 13, 17, 2, 1, 2, 65 and 9 respectively.

Claims 76-79 are rejected for the same reasons set forth in claims 17, 2, 1 and 2 respectively.

Claims 80-84 are rejected for the same reasons set forth in claims 65, 9, 2, 17 and 2 respectively.

As to claims 85-91, Abramson further discloses at least one of: Dialed Number Information Service, call type, calling Line Identification and service accounting information (see col.5 line 1 to col.6 line 49).

5. Claims 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abramson and Lamarque as applied to claims 20-23 and 30-31 above, and further in view of Cisco System (hereafter Cisco), Network Wide Solution Manages Providers to Maximize Revenue from Dial VPN, April 5, 1999.

Neither Abramson nor Lamarque discloses using a Resource Pool Manager Server. However, Cisco discloses a Resource Pool Manager Server (see page 1). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement a Resource Pool Manager Server in the computer system of Abramson to enhance the functionality of access servers because it would have provided Internet Service Providers and Telecommunications carriers with a robust solution for managing concurrent dial network services across single or multiple network access servers.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4, 9-24, 26, 30-32, 52 and 63-91 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Claims 1-4, 9-24, 26, 30-32, 52 and 63-91 are rejected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on (703) 305-4792. The fax phone number for this group is (703) 872-9306.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U.S. C. Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.


FRANTZ B. JEAN
PRIMARY EXAMINER